

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 10, 1955
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor McAden presiding.

Roll call:

Present: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Absent: None

Present also: W. E. Seaholm, City Manager; W. T. Williams, Jr. City Attorney; C. G. Levander, Director of Public Works.

Invocation was delivered by REV. LAWRENCE BROWN, Professor of History, Episcopal Theological Seminary.

Pledge of Allegiance to the Flag.

Former Mayor W. S. DRAKE, JR., appeared before the Council stating that a group of friends wanted to express their appreciation to MR. SEAHOLM, City Manager, for the 33 years of service he had rendered the city. Former Mayor TOM MILLER was the spokesman for the group, and stated he did not believe that any man in the high capacity of appointive office and trust had served as long as Mr. Seaholm whom they were honoring today. He outlined the background of his service from 1922, through his service under both the City Manager form of government and Commission form, through his tenure as Superintendent of Water and Light; his preserving for the City of Austin the Power Plant, the city's greatest source of revenue. He outlined the growth of the utilities from 1922 to 1954. He spoke on MR. SEAHOLM'S service as City Manager, and stated the former Mayor's thought a lot of him; that he had shown the highest ideals of good sportsmanship and good leadership. Former MAYOR MILLER, in behalf of a group of friends, presented MR. SEAHOLM a cashier's check for \$1,500, and thanked the Council for giving them an opportunity to appear and for its time. MR. SEAHOLM thanked the group, and stated it had been a pleasure to have served throughout the years. He read the following statement:

"February 10, 1955

"Honorable Mayor, City Council and the Citizens of Austin:

"It is with somewhat mixed emotions that I contemplate this final day

of my association with the City of Austin's official family. It has been my pleasure, and I sincerely mean just that, to have served the good people of Austin for these many years, almost thirty-three (33) years. I suppose it is only natural that when one reflects over the past number of years that one may become rather sentimental recalling many pleasant experiences.

"What success that my administration of the City affairs may have been can be credited to the faithfulness and loyalty of the many City employees who have served, and are now serving, the City of Austin. The job of administering the City affairs of the City of Austin is not a one-man deal, but is rather that of the team work of a splendid group of department heads and the backing of a good employee organization carrying out the manifold duties of the City.

"It has been my pleasure to have seen Austin grow from a town of 35,000 to a city of 180,000 souls. I think in fairness to the good citizens of Austin and myself that I should make some comment of the letter from Councilman Ted Thompson handed me a few days ago, in which he outlined his reasons for seeking my removal from the office of City Manager. I must say initially that the reasons given are less than clear to me and so general in nature as to actually preclude any real answer.

"However, I feel compelled to make certain comments concerning the letter in order to set the record straight in everyone's mind. May I first quote from Article I, Section 2, of our Austin City Charter?

". all powers of the City shall be vested in and exercised by an elective council, hereinafter referred to as "the Council", which shall enact legislation, adopt budgets, determine policies, and appoint the City Manager who shall execute the laws and administer the government of the City."

"This charter provision embodies a basic principle of the council-manager form of government and is a normal provision of such a charter. It clearly states that the formulation of policy is a function of the legislative body; the responsibility of the Administrator or chief executive is to implement that policy into every-day action. Naturally, Council policy must be interpreted by the chief executive and his employees and it is to this definition of "policy within policy" that I would like to speak briefly.

"Several times, this Council and previous Councils have indicated interest in an "administrative survey" to assist the City Council and appointive city officials in standing off and taking an impartial look at the City of Austin's governmental structure and procedures.

"I have aided this Council and past Councils in arranging for interviews with consulting organizations and as recently as April 22, 1954, representatives of two consulting groups were interviewed. At that time, the City Council reached no conclusion on the employment of a consultant and indicated it was less than interested in pursuing the matter. Despite this indication, I placed an item in the current operating budget of the City which still remains an item of \$10,000 for an administrative survey. I have never indicated any reluctance to aid in such a survey and have always stood ready to lend the assistance of my office and that of the entire administrative organization to such a survey.

"Forgetting, however, for the moment, such budget recommendation which was made to the Council and not acted upon, I beg to differ with the Council member in his statement that a Plan of Administrative Policy and Procedure does not exist.

"Such a plan does exist in both written and oral form and is carried out by department heads without difficulty. Ordinances cover many points of controversy and are, in themselves in many cases, sufficiently detailed to provide continuous guidance to department heads and others in the activities of their units. Council resolutions and departmental policies implement ordinances and the charter to guide employees in their actions.

"I certainly take exception to the Council member's paragraphs on "Results of Lack of Plan". To call our city government a "one-man administration" is to slander the excellent department and division heads who are a part of this government and who form, in my opinion, the finest group of such supervisory employees in the State of Texas. They operate their own departments without taking any of my time unnecessarily and are constantly able to effectively carry out their programs. I would partially agree that there is some hesitancy at times in making decisions, but I would most emphatically and quickly add that the reason for this is that they have no assurance that their decisions will be upheld by a vacillating City Council when a citizen protests. Time and again, decisions have been made in accordance with established policy only to find them reversed at the next meeting of the City Council when a plea is made by a citizen.

"I cannot agree at all that this administration has destroyed initiative on the part of department heads and other employees. It took much initiative for our Superintendent of Water and Sewage Treatment to work with several of his employees in developing a plan that is saving the city hundreds of thousands of dollars each year in sewage disposal. The Fire Marshall and members of the Police Department are exercising their initiative at the present time in working overtime (without pay) to develop a radio program which will be of interest to the citizens of Austin. These are just two of many cases of initiative on the part of our administrative officials.

"I do not believe this administration has ever been accused of "favoritism" in the treatment of citizens as the Council member implies. Citizens are treated alike regardless of color, race, creed, or economic standing. The infrequency of complaints flowing into the City Manager's Office would certainly seem to indicate that departments are doing their job well and treating all citizens on an equal basis.

"I am deeply disappointed that the Council member has had no realization of the long-range planning done by this office. It is no secret that the utility field is my first love and major interest. With Austin's population growing phenomenally the past years, I believe the City has benefited from having a City Manager with such an interest. Surely, water, electricity, and sewerage are among the first very essential needs of new families in a community and we feel that we have met this challenge in more than just a piecemeal fashion in Austin.

"During my tenure as Director of Utilities, I was constantly planning ahead for the future. Periodically, I had the different utility departments draft 10 year plans which would anticipate the growth of our City and plan out

utility expansion accordingly.

"The present construction on a new power plant is an example of our long-range planning. The addition is being tied into the present plant, thus making for saving of operational and maintenance costs. Too, the new plant is being built large enough so that a 40,000 KW turbo-generator can be added in the near future. All of the expansion has been planned and coordinated into a comprehensive plan to care for Austin's electrical needs.

"This same planning is evident in the new water treatment plant. Built above the Miller Dam to reduce pumping and distribution costs, the new plant is built for 25 MGD at the present time, but has been planned so that expansion to five times this pumping can be accommodated at the same site with a very minimum of cost. This new water plant and its subsequent expansions will serve Austin for many years to come.

"Under my tenure as Director of Utilities and now City Manager, electric and water distribution lines and sewer collection lines have also been planned years in the future. All three are operating under "Master Plans" as we might call them which look forward and plan expansion in the most efficient and economical manner.

"To cite another example, the City, following the Auditor's recommendations and its own studies prior to his recommendations, installed machine accounting for its utility and tax billing in 1953 and now boasts one of the most modern operations of this kind in the United States. These machines have proven their value many times over in their short period of use and have brought into the City revenue far beyond their installation cost and rental. In an earlier report, the Auditor also recommended that a manual of procedures be adopted for use with the machines. This has been done and will be reproduced shortly for the benefit of all concerned.

"I feel that one of the finest accomplishments of our administration has been the adoption of policies in the field of personnel and employment. I was privileged to serve on an administration committee charged with recommending a firm to assist the City in this respect. The actual job was undertaken in July of 1950 and completed one year later after a great deal of painstaking work by all concerned. The accomplishment of this program has been hailed by one former mayor as "the greatest thing that the City could do in the field of personnel". Following this, our administration has worked diligently on adoption of a comprehensive set of personnel policies. This was culminated in September, 1954, with the adoption of such policies. I hardly see how anyone could make the statement that our policies and procedures in the field of personnel are either non-existent or even vague.

"To cite still another example, the present expansion of the Hospital has been very carefully planned for still further expansion in the future. I have worked diligently and untiringly with the hospital consultant, architects and hospital administrator in this respect and believe I can rightfully say that it has been largely my judgement of future needs that has prevailed upon the formulation of the present plans and construction, to the end that the hospital will continue to be of maximum service to the City of Austin for many, many years, to come.

"Finally, it is in the realm of the City's overall reputation and financial rating that I would like to speak.

"Austin has enjoyed an enviable position among Texas and Southwestern cities in the reputation of its municipal government. Since the inception of the council-manager plan in 1926 when the city's finances and operations were put on a business-like, paying basis, Austin has always been accorded high honors in the municipal field. No where has this been more apparent than in the bond rating of our revenue and general obligation bonds. Bond dealers are not swayed by personalities or politics -- they look at "cold facts". These "cold facts" have convinced them in the past that Austin has a sound, wellmanaged municipal government.

"The bond dealers have been particularly competitive when we have offered our utility revenue bonds for sale. Time after time, they have examined the operations of our municipal utilities and then bid spiritedly for the opportunity to buy our utility revenue bonds. This competition reached an unprecedented peak in September 1949, when we sold \$7,150,000 of utility revenue bonds for 1.47% interest, a virtually unheard of low figure for municipal utilities.

"Our general obligation bonds have been no less competitive. There are usually more than a dozen different bidders for such bonds and our interest rates have varied in the past five years from 1.61% up to 2.69%, depending on the bond market. In each sale, however, bond dealers, newspapers, and others have pointed to other cities in Texas, holding sales within days of the Austin sale, who have consistently been forced to take from 2 1/2% upwards to 3 1/2% and 4% for similar bonds.

"Throughout the years that I have served the City of Austin I have attempted to give the best that I knew how. Most of the time it has been most pleasant. If it had not been so, I don't suppose that I would have been around these many years.

"I want to take this final opportunity of expressing my sincere appreciation and thanks to the good citizens of Austin for their indulgence and cooperation with those of us charged with the specific duties of administering your City government, also to my many friends who have been most gracious in their advice and encouragement in trying times; and, lastly, to again express my sincerest appreciation and thanks to the most loyal, faithful, and efficient group of City employees that have ever been gathered together to serve one City."

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin has long occupied a unique status among

the cities of Texas in that not only has it lacked the tax potential which other cities have enjoyed through industrial and commercial advantages, but an inordinate portion of tax-exempt property within its boundaries has nevertheless required municipal service and protection equal to or better than that which is afforded taxable property; and,

WHEREAS, said extra-ordinary expense would have long since placed a burden most grievous to be borne upon the citizens of Austin if it had not been their good fortune to have had among their number a citizen of keen vision and perception, outstanding skill, extra-ordinary perseverance, intelligent thrift, devotion to duty, and impeccable honor in the person of one W. E. Seahelm; and,

WHEREAS, the said W. E. Seahelm has for thirty-three years dedicated his life and his genius to the service of the people of the City of Austin; and,

WHEREAS, the wisdom and fore-sight of the said W. E. Seahelm has in a large measure endowed his beloved city with both tangible and intangible resources without which it could never have risen to the multitudinous tasks which its people have accomplished for the great good and the enduring happiness of its own and its adopted, Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the genuine appreciation of the grateful people of the City of Austin be publicly extended to W. E. Seahelm in recognition of his distinguished service in the management of the people's business so safely entrusted to his keeping.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayer McAden
Nees: None

The Mayor stated a copy of the resolution would be sent to Mr. Seahelm. The Mayor recognized MRS. SEAHOLM. Former Mayor TAYLOR GLASS stated he had only the highest praise for Mr. Seahelm, and that during his administration he was wonderful, and he thanked him for all the assistance he had given him in the handling of the affairs of the City of Austin.

The Mayor announced the request of one of the attorneys in the KATHLEEN WALSH BELSHAN zoning case to postpone this hearing had been granted, and that it would be heard on February 24th.

MRS. B. E. GIESECKE asked that the Council rehear her zoning application for change of zoning at 504 West 33rd Street from "A" to "BB", as she felt that at the time the decision was made, all the facts were not clearly understood. The City Attorney explained the zoning ordinance on applications that had been refused both by the Commission and the Council, but he stated the ordinance did not provide for a rehearing, and no procedure was set up for one. On matters of new evidence or facts not having been presented at the hearing before, if there were some justification on their not having been presented, the Council might be free and privileged to consider those additional facts. Councilman Long asked if the application had not been denied by each Body, then would it be brought back. The City Attorney stated it was anticipated then that a new application would be filed. He suggested that the most appropriate way would be the filing of a new application, because if the Council considered the facts and concluded that the new evidence would justify the change, there being no procedures set up in the ordinance for granting the change on a rehearing, at that time the probability is that it would have to go back through the process of being referred to the Commission in order to make the change. He suggested that if a rehearing were held it would be appropriate to notify the parties notified at the first hearing. Councilman Long asked if the application and evidence couldn't be presented and the Council study it and compare it with the evidence it had before and make a determination of whether or not to rehear it, and then notify the people. The City Attorney suggested notifying all parties again of the rehearing; and if the Council determined that what new evidence was presented might make a difference in their conclusion the matter would have to be begun anew just as a new application had been filed. Councilman White wanted to know if Mr. Watt Harris had any new changes. MR. WATT HARRIS displayed some drawings which he stated were practically identical to those submitted to the Zoning and Planning Commission who gave a unanimous approval on the basis they had conformed to the requirements and that they were actually performing no detriment to the neighbors. MR. JULIUS FRANKE, Attorney for Mrs. Giesecke, believed that although there were no provisions in the Charter, statutes or city ordinances specifically authorizing a rehearing, there was no provision prohibiting a rehearing, and it was a fundamental and well-accepted legal principal in the Courts that a rehearing would always be granted. Councilman White noted there were four votes against this change, and he wondered if there would be enough evidence to change some of those votes. Councilman Pearson believed that there was a feeling of misunderstanding on set-backs, and the applicants did not think that the facts as presented on the set-backs were clear. Councilman Thompson suggested as long as there was any confusion and doubt in the minds of the Council as to whether or not they rendered a good decision; that for the sake of seeing that they fully understand and have rendered a decision that they think is just that they take the time for a rehearing. Councilman Long was at all times willing to listen to anybody that has a matter before the Council; and if there were any misunderstanding she would be glad to have a rehearing; but she wondered if this would set a precedent. Councilman Long asked Mr. Pearson if he felt he would like a rehearing, and if he thought he did not have all the evidence presented when he voted the

first time; that she knew she understood what she was voting for. Councilman Pearson believed that there was an argument on the set-back of 10 feet where they are actually complying with 25 foot set-back. Councilman Thompson moved that the Council rehear this case. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that it would be reheard on March 3rd.

MR. MATT J. WILLIAMS, representative of the Southwestern Bell Telephone Company asked the Council to render a decision or give an answer to their application for increase in rates that had been on file with the Council some 20 months. Councilman Long asked for a list of the rates he had set up but of which the Council had not received a copy. He stated he would get them this afternoon. Later in the afternoon meeting the matter was discussed again with Mr. Matt Williams. The Council wanted to discuss the figures further with its rate expert, Mr. Honaker, and the Mayor tentatively set 2:00 P.M. Monday, February 14th for a called meeting of the Council to go over this with Mr. Honaker.

Pursuant to published notice thereof the following zoning applications were publicly heard:

JACK ANDREWARTHA	2101-17 Inter-regional Hwy.	From "A" Residence 1st Height & Area To "LR" Local Retail 6th Height and Area RECOMMENDED by the Planning Commission
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No opposition appeared. The Mayor asked those who wished to uphold the recommendation of the Plan Commission to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the change had been granted and the City Attorney was instructed to draw the necessary ordinance to cover:

TAYLOR GLASS, JAMES COCHRAN & ROLAND MOORE (By Trueman O'Quinn)	127-153 Riverside Drive	From "C-2" Commercial 2nd Height & Area To "D" Industrial 2nd Height & Area RECOMMENDED by the Planning Commission
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No opposition appeared. Mayor McAden asked those who wished to uphold the recommendation of the Plan Commission to vote "aye"; those opposed

MARGARET LOUISE HILL
& EVELYN AKIN

1605-07 Evergreen
Avenue

From "A" Residence 1st
Height & Area
To "C" Commercial 1st
Height and Area

RECOMMENDED by the
Planning Commission

MR. ROBERT BRANDT, 909 South Lamar, appeared in the interest of the possibility of a railroad spur being constructed there. He was not opposed if this were not permitted. The Mayor asked those who wished to uphold the recommendation of the Plan Commission to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the change had been granted and the City Attorney was instructed to draw up the necessary ordinance to cover.

W. J. PANNELL

2101-21,2201-13
Airport Blvd.;3101-07
&3201-17 Manor Road

From "A" Residence and
"C" Commercial 1st
Height & Area

To "GR" General Retail
1st Height & Area

RECOMMENDED except E.60'
by the Planning Commission

Discussion by MR. J. R. COLTHARP regarding numbering his property. The Mayor asked those who wished to uphold the recommendation of the Plan Commission to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the change had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

JACK KEY, By
Herman Jones

3202 South Congress
Avenue

From "C" Commercial 6th
Height & Area

To "C-1" Commercial 6th
Height & Area

RECOMMENDED by the
Planning Commission

No opposition appeared. The Mayor asked those who wished to uphold the recommendation of the Plan Commission to vote "aye"; those oppose to vote

"no". Roll call showed the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the change had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

J. E. HARRISON, C. D. WILSON, & D.M. BRYANT, By L.J. Struhall	2201-29 Post Road & 201-07 East Live Oak	From "C" Commercial 2nd & "A" Residence 1st Height & Area To "GR" General Retail 1st Height & Area RECOMMENDED except East Portion - By the Planning Commission
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The Mayor asked those who wished to uphold the recommendation of the Plan Commission to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Mayor announced: that the change had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

D. L. WELCH	2308-16 South 5th St. 2400-14 South 5th St.	From "A" Residence 1st Height & Area To "LR" Local Retail 6th Height & Area NOT RECOMMENDED by the Planning Commission
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MR. C.E. ALVIS, Jr. represented Mr. Welch and Mr. Lewis. Discussion over set-back on South 5th Street was held. Councilman Pearson stated Mr. Welch had agreed to having no parking on that side of the street. Councilman Long moved that the application be granted on the original proposition. The Mayor asked those who wished to uphold the recommendation of the Plan Commission to vote "aye"; those opposed to vote "no". Roll called showed the following vote:

Ayes: None
Noes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

The Mayor announced that the recommendation of the Plan Commission had been overruled and the change granted. The City Attorney was instructed to draw up the necessary ordinance to cover.

DR. T.R. McNEELY

2905-07 Duval &
501 Bellvue PlaceFrom "A" Residence 1st
Height and Area
To "O" Office 6th
Height and Area
RECOMMENDED by the
Planning Commission

Opposition was expressed by DR. B. C. THARP, who filed a plat, photostat copy of petition signed by a vast majority of owners in opposition to the change; a petition signed by more than 20% of the owners of property in opposition, and deed given by S. R. Fulmore to Olin Finger, April 6, 1917, restricting the use of Lot 30 to residential use. DR. THARP read a statement in opposition. The City Attorney explained the position of the Council with regard to deed restrictions and zoning. Opposition to the zoning was expressed by MRS. MONROE HARGIN, owner of rent property on Lots 31 and 32 and by MR. BILL WEEG, who read a brief; by MRS. ALLEN CAIN, MR. J. D. COPELAND, MRS. CAL BOLANDER, MRS. C. H. CAVENESS. Opposition was based on deed restrictions, and the undesirability of opening a wedge for further zoning changes, particularly on vacant lots in the area. MR. W. C. SCHULE expressed himself by letter as favoring the change. MR. RUSSEL ROBERTSON, attorney for Dr. McNeely, outlined Dr. McNeely's reasons for the change, in that he wanted to move his home so that his father and mother could be with him, and wanted to keep his office at this location where he has had it for nine years. The Planning Engineer submitted a list of restrictions his Department had found on the property. The Plan Commission felt this was a degradation of zoning rather than "spot" zoning. The recommendation from the Plan Commission stated it had no record of any restrictions which would prohibit the proposed use of this property. After much detailed discussion, Councilman Thompson moved that this matter be referred back to the Plan Commission for rehearing. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The representative for SANDY'S SUPPLY, INC., for dust laying material was present and discussed his product. Experiment had been made of this material in Austin, and the results had been very good. It was the representative's hope that the material could be manufactured in Austin. Councilman Thompson noted a letter from one of the bidders, and this and the formula was discussed. The City Manager submitted the following:

"Following are the bids received by the Purchasing Agent in his office at 2:00 P.M. February 3rd for the purchase of 430,000 gallons of dust laying material.

"Bidder	Per Gallon	Total
American Liberty Oil Company	\$0.1175	\$50,525.00
Collins Construction Company	0.1175	50,525.00
Sandy's Supply, Inc.	0.1075	46,225.00

"Note: The American Liberty Oil Company and Collins Construction Company bid on emulsified asphalt. Sandy's Supply, Inc. bid on Golden Bear Dust Binder.

"I recommend that Sandy's Supply, Inc. be awarded the contract on their low bid of \$46,225.00.

"(Sgd) C. G. Levander
Director of Public Works"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on February 3, 1955, for the purchase of 430,000 gallons of dust laying material; and,

WHEREAS, the bid of Sandy's Supply, Inc. in the sum of \$46,225.00 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Sandy's Supply, Inc. in the sum of \$46,225.00 be and the same is hereby accepted, and the City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Sandy's Supply, Inc.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE AND HEIGHT AND AREA DESIGNATIONS FROM "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT ON LOT 3, BLOCK C, AND LOT 8, BLOCK D, MANOR HILL, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULES REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the second time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the third time and Councilman Pearson moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on February 1, 1955, for paving three voluntary paving skips; and

WHEREAS, the bid of Lee Maners in the sum of \$1,461.00 was the lowest and best bid therefor, and the acceptance of such bid had been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Lee Maners in the sum of \$1,461.00 be and the same is hereby accepted, and the City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Lee Maners.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in PERRY LANE, from a point 68 feet east of Madrona Drive westerly to Madrona Drive, the centerline of which gas main shall be 6.5 feet north of and parallel to the south property line of said PERRY LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in MADRONA DRIVE, from Perry Lane easterly to Glen Rose Drive, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said MADRONA DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in MADRONA DRIVE, from Glen Rose Drive southerly to Edgemont Drive, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said MADRONA DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in GLEN ROSE DRIVE, from Madrona Drive easterly to Edgemont Drive, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said GLENROSE DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in EDGEMONT DRIVE, from Glen Rose Drive southerly 1500 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said EDGEMONT DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in BROCKMAN STREET, from a point 127 feet north of Anderson Lane northerly 707 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said BROCKMAN STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(7) A gas main in MAHONE AVENUE, from Burnet Road easterly to a point 100 feet east of Sales Street, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said MAHONE AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(8) A gas main in NORTH PLAINS AVENUE, from Brockman Street easterly to Sales Street, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said NORTH PLAINS AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(9) A gas main in SALES STREET, from North Plains Avenue northerly to Mahone Avenue, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said SALES STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(10) A gas main in ARANSAS STREET, from East 3rd Street, southerly 117 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said ARANSAS STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(11) A gas main in OAKMONT BOULEVARD, from West 29th Street southerly 124 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said OAKMONT BOULEVARD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(12) A gas main in GAULT STREET, from a point 236 feet north of Stobaugh Lane northerly 60 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said GAULT STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(13) A gas main in WESTVIEW DRIVE, from Ridge Oak Drive westerly 600 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said WESTVIEW DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(14) A gas main in WESTVIEW DRIVE, from Emerald Lane northerly to a point 400 feet south of Beverly Skyline, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said WESTVIEW DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(15) A gas main in BEVERLY SKYLINE, from Westview Drive westerly 757 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said BEVERLY SKYLINE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(16) A gas main in LUCAS LANE, from Westview Drive northerly 320 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said LUCAS LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(17) A gas main in LAZY LANE, from Anderson Lane southerly to Robalo Road, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said LAZY LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(18) A gas main in NELSON DRIVE, from Anderson Lane southerly to Robalo Road, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said NELSON DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(19) A gas main in ROBALO ROAD, from Nelson Drive southerly 787 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said ROBALO ROAD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(20) A gas main in SOUTH 5TH STREET, from a point 138 feet north of Juanita Street northerly 684 feet to West Oltorf Street, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said SOUTH 5TH STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(21) A gas main in WEST OLTORF STREET, from South 5th Street westerly 1325 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said WEST OLTORF STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(22) A gas main in SOUTH 6TH STREET, from the north property line of West Oltorf Street southerly to a point 7 feet south of the south property line of West Oltorf Street, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said SOUTH 6TH STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(23) A gas main in HAVENSIDE DRIVE, from the north property line of West Oltorf Street southerly to a point 7 feet south of the south property line of West Oltorf Street, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said HAVENSIDE DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(24) A gas main in EAST 1ST STREET, from Spencer Street westerly 278 feet, the centerline of which gas main shall be 8 feet south of and parallel to the north property line of said EAST 1ST STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

THE Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said

mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. M. Odom is the Contractor for the erection of a building located at 320 West 6th Street and desires a portion of the sidewalk and street space abutting Lot 1, Block 72, of the Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said J. M. Odom, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the south east corner of the above described property; thence in a southerly direction and at right angles to the centerline of West 6th Street to a point 12 feet south of the north curb line; thence in a westerly direction and parallel with the centerline of West 6th Street 40 feet to a point; thence in a northerly direction and at right angles to the centerline of West 6th Street to the southwest corner of the above described property.

Thence in a westerly direction and at right angles to the centerline of Guadalupe Street to a point 12 feet west of the east curb line; thence in a northerly direction and parallel with the centerline of Guadalupe Street 128 feet to a point; thence in an easterly direction and at right angles to the centerline of Guadalupe Street to the northwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. M. Odom, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City Officials it becomes necessary for any reason to install a boardfloor within the walkway, the Contractor shall upon notice from the Building

Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than June 1, 1955.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractor expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5000.), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person

or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Rex D. Kitchens is the Contractor for the erection of a building located at 108-120 East 5th Street and desires a portion of the sidewalk and street space abutting Lot 11 and 12, Block 56, of the Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Rex D. Kitchens, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Brazos Street to a point 12 feet east of the west curb line; thence in a southerly direction and parallel with the center line of Brazos Street 92 feet to a point; thence in a westerly direction and at right angles to the centerline of Brazos Street to the south east corner of the above described property;

Thence in a southerly direction and at right angles to the center line of East 5th Street to a point 12 feet south of the north curb line; thence in a westerly direction and parallel with the centerline of East 5th Street 150 feet to a point; thence in a northerly direction and at right angles to the centerline of East 5th Street to the south line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Rex D. Kitchens, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall erect and maintain continuously in good condition during the use of said space hereby allotted, a substantial walkway at least 4 feet wide in the clear on the inside and at least 8 feet high, the same to be covered solidly on the street side with boards to a height of 4 feet above pavement and on the building side to be covered solidly with boards

to a height of 8 feet. The top of the walkway shall be covered solidly with boards at least 2 inches thick, which shall be supported at intervals sufficiently close to prevent sagging on the roofing boards. The roof of said walkway shall be covered with a roofing material which will prevent leaking of the roof and provide a dry walkway at all times. No wood strips or obstructions of any kind shall be permitted along the pavement within the walkway, and at any time in the opinion of the City Officials it becomes necessary for any reason to install a board floor within the walkway the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than December 31, 1955.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion

of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5000.), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The City Manager submitted the following:

"February 9, 1955

"Memorandum to: Walter E. Seaholm, City Manager
Memorandum from: C. G. Levander, Director of Public Works

"Subject: Purchase of Property for Evergreen Cemetery.

"Mr. Arthur A. Stiles and his sister, Miss Margaret Stiles have agreed to sell their property on the north side of East 12th Street immediately east of Evergreen Cemetery to the City for \$250.00 an acre. This tract contains 16.035 acres of land which will make the purchase price \$4008.75.

"This property was placed on record some fifty or sixty years ago as the Highland Park Cemetery and was used as a cemetery up to about thirty years ago. However, according to information we have received from Mr. Stiles, we have estimated that there are not more than 500 graves in the entire tract.

"Mr. Stiles has requested that if the City decides to purchase this property that the purchase price be divided equally between his two sisters, Miss Margaret Stiles and Mrs. Elaine Ewing."

After discussion, Councilman Long moved that this property be bought, and set up an amendment to the Budget for the appropriation next week. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman Long stated that the Council had an oral report from former MAYOR TOM MILLER, Chairman of the Greater East Austin Development Committee, that this Committee could do a better job on this development if it had a survey made on the vacant houses in the East Austin area that were delapidated and in bad condition. Councilman Long moved that the City Manager be requested

to have the various Departments to gather data on the vacant property in the delapidated areas in East Austin for further study and further disposition of the housing in that area. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the application of the Austin National Bank to construct and maintain the hereinafter described underground improvements:

1. A basement under the sidewalk area on the west side of Brazos Street north from East 5th Street and on the north side of East 5th Street west from Brazos Street, all adjoining Lots Nos. 11 and 12, Block 56, of the Original City of Austin, Travis County, Texas; and

2. A basement tunnel under the alley which runs north and south in Block 56 of the Original City of Austin, between Lots Nos. 11 and 12 on the east to Lots Nos. 2 and 3 on the west, in Block 56, of the Original City of Austin, Travis County, Texas;

be and the same is hereby granted and the Building Inspector is hereby authorized to issue a permit for the construction of such improvements, said grant and permit to be subject to the following conditions:

(1). The improvements shall be constructed and maintained in compliance with all ordinances relating thereto,

(2). The permit shall be issued and accepted subject to all reasonable police, traffic, fire, and health regulations of the City of Austin, now existing or hereafter adopted,

(3). The repair or relocation of any and all utilities in the vicinity due to these improvements shall be done at the expense of the Austin National Bank,

(4). The Austin National Bank will indemnify and save the City of Austin harmless from any and all claims against said City growing out of or connected with the construction or maintenance of said improvements.

(5). The City of Austin may revoke such permit at any time and upon such revocation the owner of the building will construct the necessary walls and footings to separate such space from any buildings or other improvements and pay all costs and expenses attendant therewith.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilman Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Council received notice from the City Manager that the following applications for change of zoning had been referred to the Plan Commission and set for public hearing before the Council at 11:00 A.M., March 10, 1955:

CARL M. SMITH	3410-18 So. Congress Avenue	From "A" Residence 1st Height & Area To "LR" Local Retail 1st Height & Area
JOHN T. DAVIS	1706 Guadalupe St.	From "C" Commercial 3rd Height & Area To "C-1" Commercial 3rd Height and Area
E. M. FINCHER by Joe Holt, Agent	1601-05 Collier St. 1700 Kinney Avenue	From "A" Residence 1st Height & Area To "B" Residence 1st Height & Area

Councilman Long moved that the Minutes of February 3rd be approved, noting her desire to have her vote on the Paving Policy changed to "No" as it was her intent to vote against it. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

After discussing matters on the Telephone Company's request for rate increase with MR. MATT WILLIAMS, the Council adjourned at 4:30 P.M. subject to the call of the Mayor.

APPROVED



Mayor

ATTEST:



City Clerk